

CLOSED

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

TEVA PHARMACEUTICAL
INDUSTRIES LTD., TEVA
PHARMACEUTICALS USA, INC.,

Plaintiffs,

v.

SMITHKLINE BEECHAM
CORPORATION d/b/a
GLAXOSMITHKLINE,

Defendant.

Hon. Dennis M. Cavanaugh

ORDER

Civil Action No. 08-cv-3706 (DMC)

DENNIS M. CAVANAUGH, U.S.D.J.:

This matter comes before the Court upon motions by Defendant SmithKline Beecham Corporation d/b/a GlaxoSmithKline (“GSK”) for a judgment on the pleadings pursuant to Fed. R. Civ. P. 12(c) and to dismiss Count II of the Complaint pursuant to Fed. R. Civ. P. 12(b)(6); the Court having reviewed all submissions, and for the reasons stated in its Opinion issued on this day;

IT IS on this 16th day of June, 2009;

ORDERED that that GSK’s motion for a judgment on the pleadings is **granted**; and it is further

ORDERED that GSK’s motion to dismiss Count II of the Complaint is **denied** as moot; and it is further

ORDERED that any Counter Claims are **dismissed**; and it is further

ORDERED that the Clerk of the Court is directed to close this case.

S/ Dennis M. Cavanaugh
Dennis M. Cavanaugh, U.S.D.J.

Original: Clerk's Office
cc: All Counsel of Record
The Honorable Mark Falk, U.S.M.J.
File